

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference R 43072	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/AT2004/000094	International filing date (day/month/year) 16.03.2004	Priority date (day/month/year) 18.03.2003
International Patent Classification (IPC) or national classification and IPC		
Applicant COLOP STEMPELERZEUGUNG SKOPEK GESELLSCHAFT M.B.H. & CO. KG.		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I

Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 11 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. 1-22 _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* _____ received by this Authority on _____
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/8-8/8 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	4-15, 19-22	YES
	Claims	1-3, 16-18	NO
Inventive step (IS)	Claims	7-15, 19-22	YES
	Claims	1-6, 16-18	NO
Industrial applicability (IA)	Claims	1-22	YES
	Claims		NO
2. Citations and explanations (Rule 70.7)			
Reference is made to the following documents:			
D1: US-A-5 517 916 (DOUR FREDERICK W ET AL) 21 May 1996 (1996-05-21)			
D4: AT 383 993 B (SKOPEK KARL; SKOPEK KARL (00)) 10 September 1987 (1987-09-10)			
1. Document D1 discloses (the references between parentheses refer to that document):			
a self-inking stamp with downward inking comprising a housing (1), in which a stamping unit (24) which is provided with stamp characters (22) and is coupled to an actuating part (5) is arranged so as to be able to move, and also comprising a drawer (16a, 16b, 14a, 14b) with at least one insertion opening (18) for inserting an ink pad container (12), the underside of the drawer facing the stamping unit having an opening (see fig. 5) for inking the stamp characters when in an upwards, turned position by applying them to the ink pad (10) in the container, guiding and centring springs (14a, 14b) for the			

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	<p>ink pad container being provided on two opposite sides of the draw in the direction of insertion.</p> <p>The present application does not meet the requirements of PCT Article 33(1) because the subject matter of <u>claim 1</u> lacks novelty (PCT Article 33(2)).</p> <p>2. The same reasoning applies to independent <u>claim 16</u>. The subject matter of <u>claim 16</u> therefore does not involve an inventive step (PCT Article 33(3)).</p> <p>3 Dependent <u>claims 2-6, 17 and 18</u> do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT requirements for novelty and inventive step; see documents D1 and D5 (in particular figure 2) and the relevant passages of text cited in the search report.</p> <p>4. <u>Claim 7</u> is dependent on claim 1 and appears to meet the PCT requirements for novelty and inventive step. It is therefore proposed that a new <u>claim 1</u> be drafted consisting of the features of claims 1 and 7.</p> <p>5. <u>Claim 19</u> is dependent on claim 16 and appears to meet the PCT requirements for novelty and inventive step. It is therefore proposed that a new claim be drafted consisting of the features of claims 16 and 19.</p>